



NOV 17 2003

GSA Office of Governmentwide Policy

MEMORANDUM FOR RONALD POUSSARD

DIRECTOR

DEFENSE ACQUISITION REGULATIONS COUNCIL

FROM:

RODNEY P. LANTIER, DIRECTOR
REGULATORY SECRETARIAT AND FEDERAL ASSISTANCE
PUBLICATIONS DIVISION

A handwritten signature in blue ink, reading "Rodney P. Lantier", is written over the printed name of the sender.

SUBJECT:

FAR Case 2003-007, Buy American Act-Nonavailable Articles

Attached are comments received on the subject FAR case published at 68 FR 54296; September 16, 2003. The comment closing date was November 17, 2003.

<u>Response Number</u>	<u>Date Received</u>	<u>Comment Date</u>	<u>Commenter</u>
2003-007-1	09/17/03	09/17/03	Barb Saachau
2003-007-2	09/26/03	09/26/03	Salathea Jackson
2003-007-3	10/30/03	10/30/03	NFPA

Attachments

2003-007-1



comments@comments
.regulations.gov

09/17/2003 04:00 AM

To: farcase.2003-007@gsa.gov
cc: comments@comments.regulations.gov
Subject: Docket Comments - September 16, 2003

Greetings from the Regulations.gov website!

As part of our public service to increase participation in federal government regulatory activities, the federal government's central online rulemaking portal, Regulations.Gov, accepts public comments on federal agency rulemakings open for public comment and transmits these comments once per day to the proper agency.

This message transmits public comments and related documentation submitted on your agency's rulemakings through the Regulations.Gov website. Comment files and attachments have been compressed into a zip file to ease transmission through agency e-mail systems. An Unzip program will be required to extract the attached files.

Please distribute these comments to the appropriate rulemaking dockets. If you have questions, please send e-mail to: comments@comments.regulations.gov.

Thank You!



GSA-03-23530-091603.z

Comment Form

2003-007-1

GENERAL SERVICES ADMINISTRATION

Title: Federal Acquisition Regulation (FAR): Federal Acquisition Regulation (FAR): Federal Acquisition Regulation (FAR): Buy American Act Buy American Act Buy American Act

Nonavailable articles Nonavailable articles Nonavailable articles

Docket Id: 03-007; 9000-AJ72

CFR Citation: 48 CFR 25

Published: September 16, 2003 [FR Doc. 03-23530]

Comments Due: November 17, 2003

Phase: PROPOSED RULES

How To Comment:

Submit written comments to--General Services Administration, FAR Secretariat (MVA), 1800 F Street, NW., Room 4035, ATTN: Laurie Duarte, Washington, DC 20405. Submit electronic comments via the Internet to--farcase.2003-007@gsa.gov. Please submit comments only and cite FAR case 2003-007 in all correspondence related to this case.

FR Starting Page: 54295 FR Ending Page: 54296

Your comment has been sent. To verify that this agency has received your comment, please contact the agency directly. If you wish to retain a copy of your comment, print out a copy of this document for your files.

Please note your REGULATIONS.GOV number.

Regulations.gov #: EREG - 1

Date Submitted: Sep 16, 2003

* Title	* First Name	* Last Name
Mr.	barb	sachau
Organization Name		
N/A		
Mailing Address		
15 elm st		
City	State	Postal Code
florham park	NJ	07932
Province	Country	
	US	

Comment

Re 48 CFR Part 25 Fed Acquisition Buy American FAR Case 2003-007 RIN 9000-AJ72 I oppose this proposal. I do not think the american public needs or wants products such as bamboo shoots, goat hair canvas, grapefruit sections, modacrylic fur and water chestnuts. This kind of special interest legislation seems irrelevant during these times of terrorism. If we don't produce it in America, maybe we can do without these items which are certainly not essential, or maybe Americans can learn to produce a sufficient supply. If you can't buy any in foreign countries, I am

2003-009-1

sure Americans will produce them. I oppose encouraging this foreign trade when these products can all be produced in american and will make america independent from foreign goods. That is a good thing. I simply do not believe these products cannot be produced in America. I think this kind of special interest legislation is a favor for some political friend and we can all do without same.

2003-007-2



"Jackson, Salathe"
<SJacks05@dmc.org>

To: farcase.2003-007@gsa.gov
cc:
Subject:

09/26/2003 01:19 PM

Is there a listserv that I can subscribe to that will provide me with information on new lasws and regulations, or recvisions to existing regulations, on a daily basis via e-mail? If so, how do I subscribe? I went the the Reginfo.gov web-site, and it shows you what information a person can receive, but there is no listserv to subscribe to so that I can get update regulatory informaton.

Salathe Jackson, RN, MSA

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"Rochette, Peggy"
<PRochette@nfpa-food
.org>

To: farcase.2003-007@gsa.gov
CC:
Subject: RIN9000-AJ72

2003-007-3

10/30/2003 04:57 PM

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Attached you will find comments from the National Food Processors Association on Federal Acquisition Regulations. Please do not hesitate to call me with any questions you may have.

Peggy S. Rochette
Sr. Director of International Policy
National Food Processors Association
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October 30, 2003



NATIONAL
FOOD
PROCESSORS
ASSOCIATION

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President and
Chief Executive Officer

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General Services Administration
FAR Secretariat (MVA)
1800 F Street NW
Room 4035
Washington, DC 20405
Attn: Laurie Durarte
Submitted by Email: farcase.2003.007@gsa.gov

Re: RIN 9000-AJ72 FAR Case 2003- 007, Defense Federal Acquisition Regulation; Buy America Act - Nonavailable Articles

Dear Ms. Durarte:

The National Food Processors Association (NFPA) appreciates this opportunity to provide comments on the above referenced proposed rule that was published in the Federal Register on September 16, 2003 (68 FR 54206). NFPA expresses support for the expansion of the regulations to include the suggested food items to the list of articles not available from domestic sources in sufficient quantities. This letter also suggests additional food ingredients that should also be included on the list of articles.

NFPA is the voice of the \$500 billion food processing industry on scientific and public policy issues involving food safety, nutrition, technical and regulatory matters and consumer affairs. NFPA's three laboratory centers, its scientists and professional staff represent food industry interests on government and regulatory affairs and provide research, technical services, education, communications and crisis management support for the Association's U.S. and international members, who produce processed and packaged foods, drinks and juices.

The food products processed and distributed by members of NFPA are largely derived from ingredients produced in the United States but many companies import ingredients for incorporation their processed products. Food processing, such as canning, freezing, or drying, substantially transforms a food ingredient from a perishable commodity into a shelf stable consumer product. The process adds value and food processors work hard to ensure the foods they produce meet both U.S. food quality and safety standards and the high standards necessary to qualify for U.S. government procurement programs. Consequently, NFPA was extremely supportive of the recent Department of Defense (DoD) decision to modify the Berry Amendment to clarify that food manufactured or processed in the United States, regardless of where foods (and any components) were grown or produced would qualify for DoD purposes.

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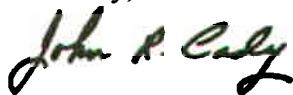
We note with interest the recent proposal to amend 48 CFR Part 25.104 to add bamboo shoots, water chestnuts and grapefruit sections to the list of articles deemed to be "nonavailable" or not available in sufficient quantities from domestic sources. We agree with the addition of these three food items and support the inclusion of the existing food items on the DOD list.

In 1999, at the request of the Agricultural Marketing Service (AMS), NFPA engaged in some research to assist in redefining criteria for USDA federal contract purchases. NFPA member companies were asked to identify food ingredients that are widely used in processed food products but cannot be sourced domestically, or that cannot be sourced in sufficient quantities or at the quality standard to service the domestic industry. This comment submission shares the results of the earlier NFPA research on this matter as updated. In the USDA submission, we also noted that some products, specifically, fruits and vegetables can only be sourced seasonally within the U.S. Consequently, companies must depend on international sources to assure continuous supply, a consideration that could be important to ensure a nutritious diet to our armed services.

The attached list provides the results of the NFPA research for USDA and includes only those items not currently provided for in DoD regulations 48 CFR Part 25.104. NFPA notes that many of the items on our list are spices and flavors that may be covered under by DoD's exemption of "spices and herbs, in bulk." To clarify this exemption, NFPA suggests removing the term "in bulk" and adding "flavorings" to the DoD list.

We hope this list is useful to you and appreciate your consideration of the additional articles suggested.

Sincerely,

A handwritten signature in dark ink, reading "John R. Cady". The signature is fluid and cursive, with the first name "John" being the most prominent.

John R. Cady
President and CEO

National Food Processors Association

Response to "Buy America"

The following are ingredients identified by NFPA member companies that may not be manufactured in the United States or are available only in very limited amounts, and should therefore not be restricted as ingredients in processed products under the "Buy America Act".

Ingredient	Use (i.e. nutrient, stabilizer, flavoring)	Usual Foreign Source
All Spice	Flavor	Guatemala
Allspice	Flavor	Tropical Americas
Anise	Flavor	S. Europe, Asia, N. Africa, Mexico
Baby Corn		Europe
Basil	Flavor	Egypt, France
Bay Leaves	Flavor	Spain, Greece
Black / White Pepper	Flavor	Indonesia
Broccoli & other fruits and vegetables only seasonally available in the US		Mexico
Caraway/Caraway Oil		India, Egypt
Cardamom Oil		India
Carrageenan	Stabilizer	Canada, Chile, Philippines, Ireland
Casein		Europe
Cassia Oil		China, Indonesia
Cayenne Pepper	Flavor	Various
Celery Oleoresin		India
Celery Seed	Flavor	India
Cinnamon/Cinnamon Oil	Flavor	Indonesia, China, Indo-China
Citric Acid (avail in US but in insufficient quantities)	Acidulant	China, Israel
Cloves/Clove Seed Oil	Flavor	Madagascar, Brazil, Zanzibar
Coriander Oleoresin		India
Cumin/Cumin Seed Oil	Flavor	Iran, India, China, Egypt, Turkey, Syria
Dry Red/Green Pepper	Flavor / Color	Chile
Fennel	Flavor	Europe, Asia Minor
Garbanzo Beans		Mexico
Guar Gum	Stabilizer	Pakistan, India, Sudan
Gum Arabic	Stabilizer/Coating/Carrier	Sudan, Chad
Jalapenos		Mexico
Locust Bean Gum	Stabilizer	Turkey, Mediterranean

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Ingredient	Use (i.e. nutrient, stabilizer, flavoring)	Usual Foreign Source
Marjoram	Flavor	Egypt
MSG	Flavor	Far East, South America
Mustard Flour / Mustard Seed	Flavor	Canada
Nutmeg	Flavor	East / West Indies
Okra		Mexico
Oregano	Flavor	Mexico, Mediterranean
Palm Kernel Oil	Fat	Malaysia, Indonesia
Paprika	Flavor	Spain, Hungary, Mexico
Parsley Flakes	Flavor	Israel
Pimento Leaf Oil	Flavor	Guatemala
Pineapple / Pineapple Concentrate		Thailand, S. Africa, others
Potato Starch		Europe
Rosemary	Flavor	Spain
Rutabagas		Canada
Savory	Flavor	Various
Talin	Flavor / Sweetener	W. Africa
Tarragon	Flavor	Various
Tumeric	Flavor	Africa